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ATTORNEYS FOR PETITIONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

TARYN CHRISTIAN,)	CIV NO. 04-00743 DAE-LEK
)	
Petitioner,)	PETITIONER S REPLY
)	REGARDING MOTION TO CONTINUE
)	DISCOVERY DATES AND TO
)	COMPEL DISCOVERY;
)	
)	CERTIFICATE
)	OF SERVICE
IWALANI D. WHITE,)	
Director, State of Hawaii)	
Department of Public Safety,)	
)	
Respondent.)	

**PETITIONER S REPLY REGARDING MOTION
TO CONTINUE DISCOVERY DATES AND TO COMPEL DISCOVERY**

Although Respondent states general opposition to continuing discovery

dates, Respondent also states that there is no objection, as long as strict time limitations are imposed, to sending the original Gas Express videotapes to Petitioner's expert (p. 7 of Respondent's Memorandum in Opposition) or to sending the knife sheath to Petitioner's DNA expert. (p. 8 of Respondent's Memorandum in Opposition).

As to other items requested, Respondent states that those are not in Respondent's possession.

As to the videotapes and knife sheath, Petitioner requests that the court direct the tapes and sheath be provided to the experts no later than April 15, 2008 and that the resulting expert reports be provided to Respondent no later than May 15, 2008. Petitioner requests May 15, 2008 also be established as the date for DNA expert Brian Wraxall to provide an additional report regarding the items which currently are in his possession for analysis. Petitioner has no objection to any further DNA analysis which Respondent desires to conduct. It is anticipated that Mr. Wraxall will conduct DNA analysis of some spots on the cap and jacket, but that he will not test all possible areas because the potential spots for testing are numerous.

Respondent also requests permission for the videotapes to be analyzed by Ken Glaza of Southfield, Michigan, as well as by Jack Mitchell of Albuquerque, New Mexico. Mr. Glaza already has consulted with Mr. Mitchell regarding the

copies of videotapes. Mr. Glaza has more than twenty years of experience in audio and video analysis and is an experienced forensic expert. His business is K&R s All Media Productions, 28533 Greenfield, Southfield, Michigan 48076. The website is www.knr.net. The involvement of Mr. Glaza will not result in any delay in the analysis/enhancement of the videotapes.

As to the additional items which are not in Respondent s possession, Petitioner Christian requests that the court order those items be provided to the Petitioner if and when they can be located.

Petitioner requests that he be permitted to submit a revised witness and exhibit list on or before May 15, 2008 the same date the additional expert reports would be due under Petitioner s proposal.

Respectfully submitted,

Dated: March 21, 2008

/s/ Mark Barrett
MARK BARRETT

